

1882-013 Chancery Causes: Elijah C. Carter vs. Eliza J. Lambert &c
Lee Co.

Alsop, Napier, Short

2 Plats

CA-Estate Dispute
T-Property

-Deed

To the Hon John A Kelly Judge of the Circuit
Court of Lee County Virginia

Your Orator Elijah B Carter humbly com-
plaining respectfully sheweth unto your Honor
that heretofore to wit on the day of 1865
one Nathaniel Alsuf departed this life intestate
the owner of a tract of land supposed to contain about
500 acres Situated, lying and being in said County of
Lee and in what is known as the Pocket on the South
side of the Little Black Mountain and on the North
side of the Lone Mountain and on the head waters of
Straight Creek, and which land was conveyed to said
Alsuf by Elijah Pennington by deed duly recorded
in the clerks office of Lee County Court.

Your Orator states that said Alsuf at his death
left a widow Lucy Alsuf, and 5 children his heirs
at law to wit, Jasper, Elizabeth, Eliza J. Barbary, and
Margaret Alsuf. to whom descended the legal title to
said tract of land subject to the dower right of the
the said Lucy Alsuf then

Your Orator further States that since the death of
said Nathaniel Alsuf his son the said Jasper Alsuf
departed this life intestate leaving a widow Martha Alsuf
and four children his heirs at law to wit, John, Nathaniel
Matthew and R. J. Alsuf all of whom are minors under
21 years of age, to whom descended one fifth part of

said tract of land, subject to the dower right of the said Martha Alsop therein.

Your Orator further states that the said Elizabeth Alsop intermarried with one Samuel Carter, the said Margaret Alsop with one Carlo. Shot, and the said Eliza J. Alsop with one William Lambert the latter of whom is now dead leaving the said Eliza J. Lambert his widow a feme sole.

Your Orator further states that about the year 1873 the said Barbey Alsop sold her undivided interest in said tract of land to one William A. Parsons and he sometime thereafter sold the same to one Jeancy Kofner who soon after said purchase departed this life intestate leaving 8 children her heirs at law to wit, George, John R. Harrington, Levi, Martha, Nancy, Isaac and Sarah Kofner the last two of whom are minors under 21 years of age, to whom descended such title and claim as was vested in the said Jeancy Kofner by her purchase from said W. A. Parsons.

Your Orator now states that he has become the owner by purchase of the dower right of said Lucy Alsop in said entire tract of land as will fully appear by her original deed of conveyance thereof herewith filed marked (A)

Your Orator further states that he has purchased from Carlo Shot and his wife Margaret their undivided interest in said tract of land and that he has fully paid them for the same and that he holds their bond for a title thereto which is herewith filed marked (B) as part hereof.

Your Orator further states that he has purchased from Samuel Carter and his wife Elizabeth their undivided interest in said tract of land, and that he holds said land for a title thereto as soon as a small balance of the purchase money yet due them shall be paid, which land is herewith filed as a further part of this bill marked (C)

From what has now been stated your Honor will see that your Orator is entitled to the widows dower in said tract of land, and also to two undivided fifth parts thereof by his purchases aforesaid. That Eliza J. Lambert is entitled to $\frac{1}{5}$ thereof. The heirs of Jasper Alsop before mentioned to $\frac{1}{5}$ thereof, and the heirs of Janey Napier before named to another $\frac{1}{5}$ part thereof. And your Orator is advised that under the law of the land he is entitled to have the widows dower laid off and assigned to him by virtue of his purchase from her, and to have said tract of land partitioned between himself and the other parties just named, and to attain such end is the object of this Suit. Your Orators prayer therefore is that the said Eliza J. Lambert, Martha Alsop widow of Jasper Alsop deceased, John Alsop, Nathaniel Alsop, Matthew Alsop, S. J. Alsop, Martha Napier, George Napier, John R. Napier, Harrington Napier, Levi Napier, Nancy Napier, Isaac Napier and Sarah Napier be made the defendants to this bill and required to answer the statements thereof on Oath. That a guardian ad

liton be appointed for John, Nathaniel, Matthew and H.
J. Alsop and for Isaac and Sarah Napier To defend
their interest in this cause, that upon a hearing thereof
commissioners be appointed with directions to lay off and
assign down to your Orator as assignee of Lucy Alsop
and that they be also directed to lay off and assign to
your Orator two fifths of said tract of land in a body
together, that they assign to Eliza J. Lambert $\frac{1}{5}$ thereof
to the heirs of Jasper Alsop $\frac{1}{5}$ thereof, and to the heirs
of Jeaney Napier $\frac{1}{5}$ thereof, And if your Orator is
in anywise mistaken in this his Special prayer. Then
he prays for all general relief. May the Commissioners
write of Spa issue directed &c.

Arpers & Morgan

Elijah to Carter

vs. Bill in Chy

Elijah J. Lambert & others

1882 Febry Spc Ex except on Martha
Lambert, and O. Kisi
" Mr. O. K. Condit, ans of info dls by
C. A. L. filed & set for
hearing by Plff.

1882. March Decree & Costs
" Aug Decree final

6 \$10.28

C. A. L. 5.00

A 15.00

30.90

B 6.50

Condit 30.90

Col Clerk 4.50

\$72.18

72.18

514436

28.875

5172.18

Genl. 14.433

M. A. 14.433

14433

243,304

514136

28.875

\$28.27

\$14.14

In The Circuit Court of Lee County,
Lee County to wit:

To The
Honorable John A. Kelly Judge of
The said Court.

The Answer of George
Happier one of the heirs at law of
Jane Happier deceased to a bill of
Complaint exhibited against him,
his Brothers, and sisters, and
others in your Honors Court, by
one Elijah C. Carter Complainant.

This defendant admits
all the allegations in the said plaintiff's
bill of Complaint contained, and
that the statements made therein are
correct, and interposes no objection
to the granting of the relief prayed
for by the plaintiff, in so far as par-
tition is concerned. Your Respondent
would now represent unto your
Honor, that since the death of his
mother the said Jane, he has pro-
ceeded to pay the residue of the pur-
chase price of the land to William
A. Parsons his ancestor's Vendor
and caused deeds to be executed
to all the heirs of the said Jane

being one fifth of the entire Tract
of the Nathaniel Alsop land
as specified in said Complainant's
bill, which said deeds are here filed
as part hereof, and marked A 1 &

Your Respondent would further
state, that he has also purchased
the individual interest of his
brothers John, Harrington and Levi
Stappin and also the undivided interest
of his sister Martha, and Nancy
which latter is intermarried with
George Stapleton and has the title
bond of all these parties for a
deed to their said interests except
the said Martha, but your Res-
pondent has paid to the said
Martha the price of his said
interest and is entitled to a Con-
veyance of the same, thus clearly
showing that this Respondent
is entitled to $\frac{4}{8}$ of $\frac{1}{5}$ of the entire
Tract of land designated in the
Complainant's bill.

Your Respondent
would now state, that he owns a
Tract of land adjoining the Tract
sought to be partitioned, and

is advised that the Court will direct
his said interest to be laid off
next to, and adjoining the lands
now owned by him, if the same
can be done without detriment
to the interests and rights of his
tenants in common, and this
defendant avers. That the said
partition can be made and the
part to which the heirs of the said
Jane is entitled, being $\frac{5}{8}$ of the
whole, can be laid off and
assigned to them, next to, and
adjoining the lands now owned
by Respondent.

Respondent there-
fore prays that upon a hearing
your honor will direct the par-
-tition according to the prayer
of your respondent, and for
that purpose Respondent would
respectfully ask your honor to
consider this answer as a
petition.

And having now fully
answered, prays to be leave
dismissed &c.

Richmond

Virginia

Lee County to wit:

This day

personally appeared George Stappin
before me the undersigned Clerk
of the Circuit Court of Lee County
and made oath in due form
of law that the matters and
things contained in the foregoing
answer is to the best of his
knowledge, information and
belief true, given under my
hand, this the 29th day of March
1882.

J. A. G. Hyatt
clerk

R

George Stappin et al.

vs
Ans

Elijah C. Carter

Filed March 30/82

J. A. G. Hyatt
clerk

chd 15

To the Hon. John A. Kelly Judge of the
Circuit Court of Lee County.

The separate answers of John,
Nathaniel, Mathew and R. J. Kemp
Infants by J. A. Hyatt their Guardian
ad litem, to a bill in Chancery filed
in your Honor's Court, by Elijah B. Carter
against, these infants and others.

For answer your respondent says, that he
knows nothing of the truth or falsity of the
allegations in the plaintiffs bill, and is
advised of no defense proper or necessary
for him to make as their Guardian in
the said suit, but this being a Court
of Equity, and as such the peculiar
Guardian of the rights and interest of infants,

Your respondent begs leave to place
the rights and interests of his said wards
into the hands of Your Honor, knowing
that they will there be protected.

J. A. Hyatt

Guardian ad litem

Seamen to before me.

March 6th 1882.

John R. Gibson Clerk
of Lee County Court.

Elijah B. Carter

Poff

vs.

Eliza J. Lambert + others Defts

In Chancery

This cause came on again this day, to be further heard on the papers formerly read, and the report of commissioners making partition of the land in the bill mentioned, and was argued by counsel. And said report of partition being annexed to. And filed in the office the time required by law. and being seen and inspected by the court. On consideration thereof it is adjudged ordered and decreed that said report of partition be and the same is confirmed. Pursuant thereto it is further adjudged and ordered that the widow and heirs of Jasper Alsop take and hold free from the claim of the parties lot no. 1 according to the plat, notes and bounds as shown in said commissioners' plat and report. That the heirs of Jeaney Kasper take and hold in the same way lot N. 2. That Eliza J. Lambert take and hold in the same way lot N. 3. and that the Poff Elijah B. Carter take and hold in the same way lot N. 4. and that the poff pay two fifths of the costs of suit, and that he recover of the widow and heirs of Jasper Alsop one fifth of said costs, of the heirs of Jeaney Kasper one fifth of said costs, and of Eliza J. Lambert, a like fifth of said costs. And the clerk of this court is directed to deliver to the clerk of the county court of Seaboard for record in the Book in which deeds are recorded copies of the former decree in this cause, said commissioners' reports and plat and this decree, and no further action being necessary. This

Elijah C. Carter

vs { Dece. No. 2 Final.

Elijah J. Lambuth vs.

Entered Page 276.

J. A. M. H. H.
Carter

Enter
for
5/14/82

Chas. vs -

Virginia

At a Circuit Court Continued and held
for Lee County at the Court House thereof on
the 4th day of September 1883

Elijah S. Carter Plaintiff
vs
Elija J. Lambert & others Defendant

This Cause came on again this day
to be heard on the papers formerly read and
the report of Commissioners making partitions
of the land in the bill mentioned, and was
argued by Counsel, and said report of partitions
being unaccepted to, and filed in the office the
time required by law and being seen and
inspected by the Court, On consideration
thereof it is adjudged ordered and decreed
that said report of partitions be and the same
is confirmed, Wherefore it is further
adjudged and ordered that the widow and
heirs of Jasper Heppie take and hold for her
the share of the other parties lot No 1 according
to the plat & metes and bounds as shown in
said Commissioners plat and report. That the
heirs of George Kappier take and hold in
the same way lot No 2. That Elija J. Lambert
take and hold in the same way lot No 3 and
that the Plaintiff Elijah S. Carter take and
hold in the same way lot No 4, And that
the said Plaintiff pay two fifths of the costs of suit and
that the receiver of the widow and heirs of
Jasper Heppie one fifth of said costs, of the
heirs of George Kappier one fifth of said cost
and of Elija J. Lambert a like fifth of said
costs. And the Clerk of this Court do

directed to deliver to the Clerk of the
County Court of Lee County, for recor-
dation in the book in which deeds
are recorded. Copies of this and the for-
mer decree in this cause, said
Commissioners report and plat
and this decree, and no further
action being necessary this cause
is stricken from the docket.

Copy Teste.
J. A. Hyatt
Clerk

Elijah C. Carter
33 Copy shown
to 2 heirs
33
Elijah C. Carter

Virginia Supreme Court Clerk's office 23rd 1882.

The foregoing plat, and report of the division of the land of
Nathaniel Chappell decd, was this day filed in this office and
admitted to record.

Teste John R. Linder Clerk.

Elijah C. Coaster

Plff

} Lumber

Eliza J. Lambert & others

Defts

This cause came on this day to be heard on the bill of the Plff and exhibits therewith the answers of the infant defendants to the question as to the bill of the Plff and the answer of the Plff filed at the previous term - - - - - and was argued by counsel. And it appearing to the court that the cause has been regularly entered at the rules and set for hearing and that the infant ^{George H. Coaster} still feeling to appear and answer the bill is taken for confessed as to them. The cause being then it is adjudged ordered and decreed that there be assigned the plff out of the lands in the bill mentioned as assignee of the widow of Nathaniel Coaster that the tract of land referred to in the bill be partitioned among the parties interested according to their respective interests and to attain this end John L. Graham, Edward Parsons and Wm. Page are appointed commissioners to assign them and make such partition. They will first assign the Plff as above one equal third part of said land in annual rental value. They will then assign to the Plff two fifths of said land in a body together if they can do so without prejudice to the others interested. They will then assign one fifth of said land to the child Eliza J. Lambert. One fifth to the heirs of Joseph Albee and one ~~fourth~~ fifth to the heirs of James H. Albee and ~~making~~ making these assignments, said commissioners will have due regard to quantity and quality, and they will report their action to the court, and the cause is continued.

* And in making the assignment of one fifth to the heirs of ~~James H. Albee~~ ^{James H. Albee} said land will set off and assign the same out of said land adjoining the lands now owned by George H. Coaster one of the heirs of said James if they can do so, without injury to other interests.

Edw. L. Carter

185 } Dec 1

Edw. L. Carter

185 } Dec 1

Edw. L. Carter

Edw.
for 59.4
Mar 31/82

185 } 1.1

Virginia

At a circuit Court Continued and held
for Lee County at the Court House thereof
on the 31st day of March 1882

Elijah C. Carter

Plff

In Chancery

vs
Elijah J. Lambert et al. Defs

This cause came on this day to be heard
on the bill of the plaintiff & exhibits therewith, the
answers of the infant defendants by their guardian
ad litem, J. H. Hyatt and the answer of George
Napier filed at the present term, and was
argued by counsel, and it appearing to the
Court that the cause has been regularly
matured at rules and set for hearing, and
the adult defendants except George Napier still
failing to appear and answer, the bill is
taken for confessed as to them.

On consideration thereof it is adjudged
ordered and decreed, that dower be assign-
ed the Plff, out of the lands in the bill men-
tioned, as assigned of the widow of Nathaniel
Sharp and, and that the tract of lands refer-
ed to in the bill be partitioned, among the
parties interested according to their respective
interests and to attain this and John P.
Coxham, Edward Parsons & Wm Page are appo-
inted Commissioners to assign dower and
make such partition, they will first assign
the Plff as dower one equal third part of said
land in annual rental value, they will then
assign to the Plff two fifths of said land in
a body if they can do so without prejudice
to the others interested, they will then

assign one fifth of said land to the debt Eliza J.
Carmichael, one fifth to the heirs of Jasper Hough
and one fifth to the heirs of Jemmy Hough's heirs
and in making these assignments said
Commissioners will have due regard to
quantity and quality, and in making the
assignment of one fifth to the heirs of Jemmy
Hough's heirs, said Commissioners will lay off
and assign the same out of said land ad-
joining the lands now owned by George Hough
one of the heirs of the said Jemmy, if they can
do so without injury to the other interests,
and they will report their action to this
Court and the Cause is continued.

A Copy Sept.

J. H. H. Clerk

Received by Court
on 31 Dec 1871
Eliza J. Carmichael

To the Honorable John A. Bell Judge of the
circuit court of Lee county Virginia at the
undersigned commissioners appointed for that
purpose at the March term 1882 went upon the
land of Nathaniel Alsop deceased on the 27th
and following days ^{of May 1882} and proceeded to survey partition
and assign said land to the several parties entitled
thereto in the manner following we found said
tract of land to contain 757 Acres as near as could
be ascertained by actual survey we did not lay off
one third as a Dower interest to the Plaintiff in this
cause for this reason the widow of said Nathaniel Alsop
had departed this life some time previous to the
29th of May 1882 as we were credibly informed
and as was acknowledged by the Plaintiff in this
cause (thus being the time we commenced the discharge of
the duties imposed upon us by your order)
first we lay off and assign to the heirs & poster
of Alsop deceased 600 Acres and bounded as follows to
wit Beginning at a sapling and fallen ~~oak~~ ^{oak} a little north
of the north bank of straight creek one of the original
corners of this tract of Land standing very near the corner
in which Nathaniel Alsop ^{the father} ~~the~~ ^{the} ~~the~~ ^{the} of the late
proper Alsop deceased now reside we ran S 16° E 15 poles to a stake
in the north edge of straight creek N 51° E 11 poles to a white
oak on the north bank of said creek N 71° E 52 poles to a rock
at large index and 1 N 41° E 7 poles to a chestnut N 27° E 13 poles
to a rock N 32° E 19 poles to a rock N 15° W 15 poles to a rock

near a branch then leaving said branch N 82 3/4 W 16 Poles
 to a stake on top of a ridge then up and along the top of said
 ridge N 7 E 22 Poles to a stake N 1 1/2 W 21 Poles to a stake
 N 20 E 13 Poles to a chestnut Oak N 36 1/2 E 15 Poles to stake N 2 1/2
 E 14 1/4 Poles to a Hickory N 3 1/2 E 20 Poles to a spotted Oak N 15 E
 8 Poles to a chestnut Oak ^{and stake} on the main ridge between straight
 Creek and benedicts branch then down and with the top of
 said ridge S 45 1/2 W 17 Poles S 68 1/2 W 13 Poles S 57 3/4 W 14 Poles
 S 50 1/2 W 8 Poles S 34 W 24 Poles to a chestnut oak below a rocky point
 S 23 W 34 Poles S 23 1/2 W 7 Poles S 31 W 8 Poles S 25 1/2 W 6 Poles
 S 17 1/2 W 10 Poles S 4 1/2 W 7 Poles S 13 1/2 W 8 Poles S 23 1/2 W 10
 Poles S 2 1/2 W 7 Poles S 3 1/2 W 6 Poles to 4 Black oaks ^{2 chestnuts} on top of said
 ridge S 2 E 22 Poles to a chestnut & black Oak S 15 1/4 E 33 Poles
 to the Beginning by a reference to the accompanying plat
 this lot may be seen beginning at the ^mall index and thence
 to 3.2.14 the large index then N. A. B. C and around to C and thence to
A the beginning for convenience we call this lot no 1

The next lay off and assign lot no 2 containing 82 Acres
 to the heirs of Jincy Napier deceased and bounded as follows
 to wit Beginning at stake on north bank edge of straight
 creek at 3 corner to lot no 1 and with lines of same N 57 1/2 E
 19 Poles to a white Oak on the north side of said creek
 N 77 E 52 Poles to a rock at the large index 31 then leaving
 the lines of the first lot S 67 1/2 E crossing said creek 20 1/2
 Poles to a chestnut Oak & beech on the end of a cliff N 87 1/2
 E 9 Poles to a spotted Oak S 76 E 7 1/2 Poles to a chestnut S 63 E
 15 Poles to a chestnut Oak S 76 1/2 E 6 Poles to a stake S 73 E 10

Poles to a stake S 77 1/2 E 11 ^{Poles} to stake then leaving the top of said spur
 S 87 E 93 Poles to a stake at 16 on top of the Lone mountain
 then down and with the top of the same as it meanders S 85
 W 10 Poles S 36 1/2 W 10 Poles to a large sugar tree S 61 W 12 Poles S 55 W
 7 Poles S 31 W 14 1/3 Poles S 41 1/2 W 14 Poles S 57 1/2 W 6 Poles S 28 1/2 W
 2 1/2 Poles S 65 W 6 Poles S 38 1/2 W 8 Poles S 28 W 6 Poles to a locust
 & Hickory and Hickory stump a little East of a low jet on
 top of said lone mountain and in the meredie line then
 leaving the top of said lone mountain and with the
 meredie line N 68 W 16 3/4 ^{Poles} to two Hickories and birch on
 a steep hill side two or three poles west of a small branch
 then leaving the meredie line N 16 W 36 Poles crossing straight
 creek to a stake in the north edge of said creek The Begin-
ning

The next assign lot no 3 containing 100 Acres to Eliza
 J. Lambert and bounded as follows to wit Beginning
 at the large index 31 corner to each of the foregoing lots
 thence N 53 1/2 E 43 Poles to a maple on the south side of straight
 creek N 42 1/4 E 26 Poles to a Hickory on the north bank
 of said creek N 67 E 12 Poles to a ram on the south
 bank of said creek N 38 1/2 E 8 Poles to a stake near a spring
 on the north bank of said creek N 44 1/2 E 7 3/4 Poles to a
 Sycamore on the south bank of said creek N 27 E 7 1/2 Poles
 to a beech at the foot of a bank of said creek then
 leaving said creek N 76 1/2 E 134 Poles to a stake on top
 of the Lone mountain S 8 W 8 Poles S 20 E 12 Poles S 14 1/2
 E 3 1/3 Poles S 18 W 18 Poles S 8 1/2 E 4 Poles S 37 1/2 W 17 1/2 Poles passing
 the snake den S 9 W 10 Poles S 2 W 5 Poles S 11 W 8 Poles

S $49\frac{1}{2}$ °W 26 Poles to a double spotted Oak & Hickory.
 S $10\frac{1}{2}$ °W 9 Poles S 18 °E 2 Poles S 10 °W 15 Poles to a stake
 corner to the second lot and with the lines of
 same N 87 °W 73 Poles to a stake N $77\frac{1}{2}$ °W 11 Poles ~~to a stake~~
 S 73 °W 10 Poles N $76\frac{1}{2}$ °W 6 Poles to a chestnut Oak N
 63 °W 15 Poles to a chestnut N 76 °W $9\frac{1}{2}$ Poles to a spotted
 Oak S $89\frac{3}{4}$ °W 9 Poles to a chestnut Oak & beech at the
 end of a cliff N $67\frac{1}{2}$ °W $20\frac{1}{2}$ Poles crossing straight
creek to a rock—the Beginning
 We next assign lot No 4 containing 206½ Acres to
 Elijah C. Custer (the plaintiff in this cause) as two
 fifths of said land and bounded as follows to wit
 Beginning at the large index and corner to each of the
 three first lots N $4\frac{1}{2}$ °W 7 Poles to a chestnut N $27\frac{1}{2}$ °E 13 Poles
 to a rock N $3\frac{1}{2}$ °E 19 Poles to a rock N 15 °W 15 Poles to a
 rock near a branch then leaving said branch north
 $82\frac{3}{4}$ °W 16 Poles to a stake on top of a ridge then along the
 top of said ridge N 7 °E 22 Poles to a stake N $1\frac{1}{2}$ °W 21
 Poles N 20 °E 13 Poles to a chestnut Oak N $36\frac{1}{2}$ °E 15 Poles
 N $29\frac{1}{2}$ °E $14\frac{1}{4}$ Poles to a Hickory N $3\frac{1}{2}$ °E 20 Poles to a spotted
 Oak N 13 °E 8 Poles to a chestnut Oak on the main
 ridge between the straight creek and benedicts
 branch due N 9 Poles N 11 °E 6 Poles N $28\frac{1}{2}$ °E 8 Poles N $21\frac{1}{2}$
 °E 14 Poles to sugar tree chestnut & Hickory N 35 °E $12\frac{1}{4}$ Poles
 to a large chestnut Oak N $18\frac{1}{4}$ °E 10 Poles to a
 Hickory N 4 °E 5 Poles to a stake and white Oak
 in the closing line of an entry made in
 the name of Levi and Elijah Pennington

said Entry bearing date May 4th 1847 and with
 said closing line S $89\frac{1}{4}$ °E 108 Poles to sugar tree
 two Hickories and fallen Locust (the beginning
 corner to the said Pennington Entry S 54 °E 63 Poles
 to two chestnuts and two chestnut Oaks on the side of
 the black mountain S 8 °E 76 Poles to two Hickories
 in a low place on top of the lone mountain
 thence down and with the top of same as it meanders
 S 20 °W 8 Poles S $12\frac{1}{2}$ °W 5 Poles S 28 °W 5 Poles to a stake corner
 to lot No 3 and with lines of the same S $76\frac{1}{2}$ °W 134
 Poles to a ~~stake on ridge~~ then to a beech at the foot of
 a bank on the south side of straight creek S 29 °E
 7 Poles to a Poplar on the south bank of the said creek
 S $44\frac{1}{2}$ °W $7\frac{3}{4}$ Poles to a stake near a spring on the north
 bank of the creek S $38\frac{1}{2}$ °W 8 Poles to a gum on the
 south bank of said creek S 61 °W 12 Poles to a Hickory
 on the north bank of said creek S $42\frac{1}{4}$ °W 26 Poles
 to a maple on the south bank of said creek S
 $53\frac{1}{2}$ °W 43 Poles to the Beginning By a reference
 to the accompanying diagram each lot will be seen
 sufficiently indicated Submitted this June 20th
 1862.

John P. Graham
 William P. Page } comms
 & Edward Parsons

Fee Bill to John P. Graham commd surveyor
for surveying, staking, calculating and reporting the
foregoing to measuring 2 1/2 Rods at one cent for the first
one hundred and 1/2 cent for the remainder \$ 11.21.

Laying down one Plat 50 \$.50

one calculation 50. \$.50

one report 50 \$.50

Travel to and from place of survey at 5 cts. per mile 12, 1/2 \$ 1.20
\$ 13.91

To William P. Sage for 4 1/2 days as commissioner and chain carrier
at \$2.00 per day \$ 9.00

To Edward Parsons for 4 days as commissioner and chain carrier
at \$2.00 per day \$ 8.00
\$ 30.90

Elijah C. Carter

13
vs 13
Comr's Report.

Eliza J. Lambert et al.

Filed August 21st 1882.

J. A. Hyatt
Clerk

Richard Pearson

Comm. fee 40 \$30.⁰⁰

Feb 25

To the Honorable John A. Kelly Judge of the
Circuit Court of Lee County Virginia, (We)
the undersigned Commissioners appointed
for that purpose at the March Term 1882
met upon the land of Nathaniel Alsop
on the 27 and following days of May 1882
and proceeded to survey, partition and
assign said land to the several parties enti-
tled thereto in the manner following, we found
said tract of land to contain 487 acres as near
as could be ascertained by actual survey, we
did not lay off one third as lower interest to the
Plaintiff in this cause for this reason the widow
of said Nathaniel Alsop had departed this
life some time previous to the 27 day of May
1882, as we were credibly informed and as
was acknowledged by the plaintiff in this
cause this being the time we commenced the
discharge of the duties imposed upon us by your
order) first we lay off and assign to the
heirs of Jasper Alsop acc'd, 58 1/2 acres and
bounded as follows toward Nequien at Sugar
tree and hollows cornerwood a little north of the
north bank of straight creek, one of the original
corners of this tract of land, standing very near
the cabin in which Martha Alsop the widow
of the late Jasper Alsop deceased now
lives we ran S 16° E 1/4 mile to a stake in the
north edge of straight creek N 5 1/2° E 19 poles to
a white oak on the north bank of said creek
N 77° E 52 poles to a corner at large iron and 1. N
82° E 7 poles to a chestnut N 27 1/2° E 13 poles to a
corner N 3 1/2° E 17 poles to a rock N 15° W 16 poles to a rock

meander a branch, then leaving said branch N 82° E 10 poles to a stake on the top of a ridge then up and along the top of said ridge N 7° E 22 poles to a stake N 15° E 2 poles to a stake N 30° E 13 poles to a chestnut oak N 36° E 15 poles to a stake N 28° E 14 poles to a history N 35° E 3 poles to a spotted oak N 13° E 8 poles to a chestnut oak and stake a stake on the main ridge between Straight Creek & Linnards branch then down and with the top of said ridge S 45° E 17 poles, S 68° E 10 13 poles S 57° E 14 poles S 50° E 2 poles S 34° E 24 poles to a chestnut oak below a rocky point S 23° W 34 poles S 23° W 7 poles, S 31° W 8 poles S 25° W 6 poles S 17° W 10 poles S 42° W 7 poles, S 13° W 8 poles S 36° W 10 poles S 31° W 7 poles S 31° W 6 poles to a black oak & 2 chestnuts on top of said ridge, S 2° E 22 poles to a chestnut & black oak S 15° E 32 poles to the Beginning by a reference to the accompanying plat this lot may be seen. Beginning at the small index and A then to B, C, D, E, the large index then to A, B, C and arrived to A and thence to the Beginning for Township, we call this lot No 1.

We next lay off and assign lot No 2 containing 82 acres to the heirs of Jincy Napier deceased and bounded as follows to wit Beginning at a stake on north bank of edge of Straight Creek, at B; thence to lot No 1 and with lines of same N 57° E 19 poles to a white oak on the north side of said Creek N 77° E 52 poles to a rock at the large index & 1 then leaving the lines of the first lot S 67° E crossing said Creek 20½ poles to a chestnut oak & bush on the end of a cliff N 89° E 9 poles to a spotted oak S 76° E 9½ poles to a chestnut S 63° E 15 poles

to Chestnut Oak S 76½° E 6 poles to a stake S 73° E 10 poles to a stake, S 77½° E 11 poles to a stake, then leaving the top of said Spur S 87° E 93 poles to a stake at C on top of the low mountain, then down and with the top of the same as it meanders S 55° W 10 poles S 36½° 10 poles to a large sugar tree, S 61° W 12 poles S 55° W 7 poles, S 31° W 14½ poles, S 41½° W 14 poles, S 57½° W 6 poles S 28½° W 21½ poles, S 65° W 6 poles S 38½° W 8 poles S 28° W 6 poles to a lacust and history & history stump a little East of a low gap, on top of said low mountain and in the McCreddie line, then leaving the top of said low mountain and with the McCreddie line N 68° W 163 poles to two Hickory & Birch on a steep hill side two or three poles west of a small branch, then leaving the McCreddie line N 16° W 30 poles crossing straight Creek, to a stake in the North edge of said Creek, the beginning.

We next assigned lot No 3 containing 100 Acres to Eliza J. Lambert and bounded as follows to wit, Beginning at the large index & 1, thence to each of the foregoing lots, thence N 53½° E 43 poles to a maple on the south side of Straight Creek N 42¼° E 26 poles to a history on the north bank of said Creek N 61° E 13 poles to a linn on the south bank of said Creek N 38½° E 8 poles to a stake near a spring on the north bank of said Creek N 44½° E 7¾ poles to a poplar on the south bank of said Creek N 27° E 7 poles to a beech at the foot of a bank of said Creek, then leaving said Creek N 76½° E 134 poles to a stake on top of the low mountain

S. 8° E. 8 poles, S 20° E 12 poles S $14\frac{1}{2}^{\circ}$ E $3\frac{1}{3}$ poles, S 18° W 18 poles, S $8\frac{1}{2}^{\circ}$ E 4 poles S $37\frac{1}{2}^{\circ}$ W $17\frac{1}{3}$ poles passing the snake den S 9° W. 10 poles S 2° W 5 poles S 11° W 8 poles S $49\frac{1}{2}^{\circ}$ W 26 poles to a double spotted oak & Hickory. S $10\frac{1}{2}^{\circ}$ W 9 poles, S 1° E 2 poles S 10° W 15 poles, to a stake corner to the second lot & with the line of same N 87° W 93 poles to a stake N $77\frac{1}{2}^{\circ}$ W. 11 poles, N 73° W 10 poles N $76\frac{1}{2}^{\circ}$ W 6 poles to a chestnut oak N 63° W 15 poles to a Chestnut N 76° W $9\frac{1}{2}$ poles to a spotted oak S $89\frac{3}{4}^{\circ}$ W 9 poles to a chestnut oak & beach at the end of a cliff N $67\frac{1}{2}^{\circ}$ W $20\frac{1}{2}$ poles crossing Straight Creek to a Rock the Beginning.

We next assigned lot No 4 containing 206 $\frac{1}{2}$ Acres to Elijah B. Carter (the Plaintiff in this Cause) as two fifths of said land and bounded as follows, to wit beginning at the large index & 1. Corner to each of the three first lots, N $4\frac{1}{2}^{\circ}$ W. 7 poles to a chestnut N $27\frac{1}{2}^{\circ}$ E $1\frac{1}{3}$ poles to a rock N $3\frac{1}{2}^{\circ}$ E 19 poles to a rock N 15° W 10 poles to a rock near a branch then leaving said branch north $83\frac{3}{4}^{\circ}$ W 10 poles to a stake on the top of a ridge, then along the top of said ridge N 7° E 22 poles to a stake N 15° W. 21 poles N 20° E 13 poles to a chestnut N $36\frac{1}{2}^{\circ}$ E 15 poles N $29\frac{1}{2}^{\circ}$ E $14\frac{1}{4}$ poles to a Hickory N $3\frac{1}{2}^{\circ}$ E 20 poles to a spotted oak N 13° E 8 poles to a chestnut oak on the main ridge between Straight Creek and Edwards branch due N 9 poles N 11° E 6 poles N $28\frac{1}{2}^{\circ}$ E 8 poles N $21\frac{1}{2}^{\circ}$ E 14 poles to a further Chestnut & Hickory N 35° E $12\frac{1}{4}$ poles to a large Chestnut Oak N $18\frac{1}{4}^{\circ}$ E 10 poles to

a Hickory N 4° E 3 poles to a stake and
white oak on the closing line of an entry
made in the name of Levi & Elijah
Permynton said entry bearing date date
May 11 1849, and with said closing line
S 89° E 108 poles to Sugar tree two Hickories &
fallen locust (the Beginning corner
to the said Permynton Entry,) S 84° E
83 poles to two Chestnuts and two Chestnut
Oaks on the side of the black mountain
S 8° E 76 poles to two Hickories in a low
place on the top of the lone mountain
thence down and with the top of same
as it meanders S 20° W 8 poles, S 12° W
5 poles S 28° W 5 poles to a stake corner to
lot No 3 and with line of the same
S 76° W 134 poles to a beech at the foot
of a bank on the south side of straight
creek, S 28° E 7 poles to a poplar on the
south bank of the said creek S 44° W
73 poles to a stake near a spring on the
north bank of the creek S 38° W. 2 poles
to a hem in the south bank of said creek
S 61° W 12 poles to a Hickory on the north
bank of said creek S 53° W. 43 poles
to the Beginning, By a reference to
the accompanying diagram each lot will
be seen sufficiently indicated. Submitted
this June 20 1882

John P. Graham

Wm. P. Page

Edward Parsons

Clerk

Copy sent -

J. H. Hall Clerk

Eligio G. Carter

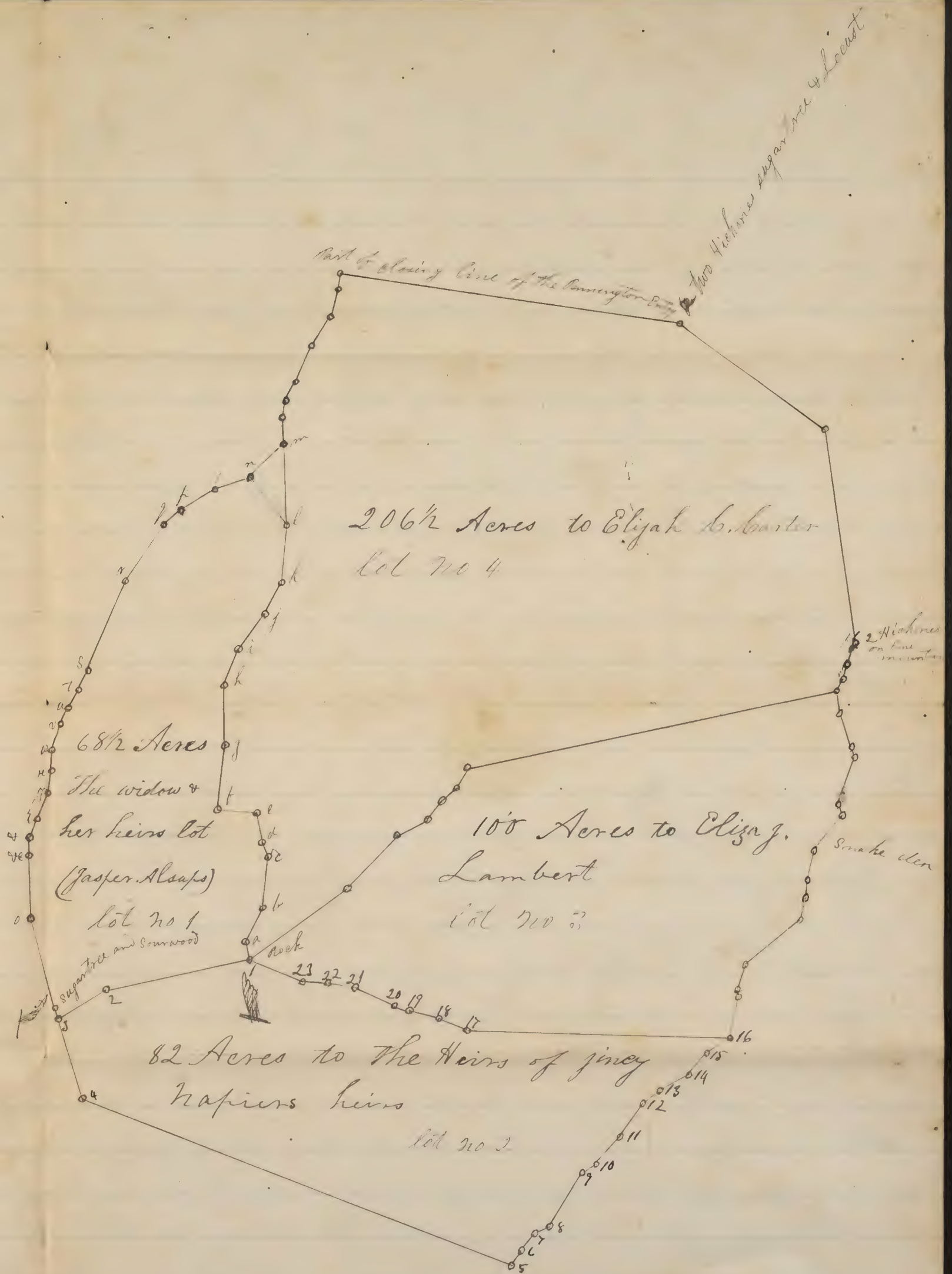
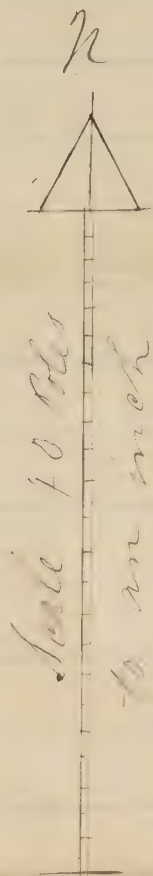
2. Leap of time
Mr. Report & P. at.

Eligio G. Lumbard

Rec. dect. in Decd.

Book. 10. 20. 21. 22.

G. R. Libman



Platt Nathaniel
Alsops Heirs

I Lucy Alsop widow of Nathaniel Alsop dead do by
these presents for a valuable consideration to me in hand
paid by Elijah B Carter, bargain sell deliver and convey
unto said Carter all my right and title to dower in
and to all the real estate owned by Nathaniel Alsop at
the time of his death lying and being in the county of
Lee State of Virginia, and the dower interest hereby
conveyed being my right to dower in about 500 acres of
land owned by said Alsop at his death and situated
on the head of straight creek on the north side of the line
and south side of the Little Black Mountains in said county
Witness the following signature & seal This 3rd day
of August 1881.

Lucy ^{her} x Alsop (Seal)
Marke

Kentucky Harland county Test.

I John G Farley a justice of the peace in
and for the county and State of said do certify that
Lucy Alsop whose name is signed to the above writing
bearing date August the 3rd 1881 has acknowledged
the same before me in the said county. Given under
my hand and seal This 4 day of August 1881.

John G Farley J.C. (Seal)

E. C. Carter

From { Dead

Suey Alms

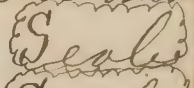
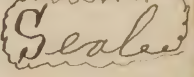
(- 41

Wm. D. Carter

Wm. D. Carter

Wm. D. Carter
Opportunity

Feb. 18. 1880

Know all men by these presents that
Wm Carlow M. Short and Marget Short
(his wife) are held and firmly bound unto
Elijah Carter in the just and full
sum of Four Hundred Dollars. Witness
now the condition of the a bove obligation
is this the said W. M. Short and Marget
Short (his wife) has sold the said Elijah
Carter a certain tract or parcel of Land
being their intire undivided interest in the
Lands of the estate of Nathaniel Ashup
Deceased Lying and being in the County of
Lee and State of Virginia, in the Pocket
County on the head waters of Strait Creek
Now if the said Carlow M. Short and
Marget Short (his wife) makes or causes to
be made a good ^{Deed} write when Purches
money is paid or secured to be paid
this is null and void other wise to
Remain in full force. Given under
our hands the Day and date a bove written
Carlow M. Short 
Marget Short 

Attest
William M. Carter
James ^{his} Hall

Carlo & Margaret Short

To } Little Book

E. C. Carter

(B)

Jan. 13th 1852.

Know all men by these presents that the Samuel P. Carter and Elizabeth Carter (his wife) are held and firmly bound unto Elijah Carter, in the full & full sum of Two Hundred Dollars - Witness now the conditions of the above obligation is this. That said Samuel P. Carter & Elizabeth (his wife) have sold the said Elijah Carter a certain tract or parcel of Land, being their entire undivided interest in the Lands of the estate of Nathaniel A. Camp (Dec) Lying & being in the County of Lee & State of Virginia and the head waters of Shait Creek. Now if the said Samuel P. Carter & Elizabeth Carter (his wife) makes or causes to be made a good write when purchase money is paid or secured to be paid, there is null & void, other wise to remain in full force - given under our hands and seals The day & date above written

S. P. Carter (Seal)
Elizabeth Carter (Seal)

Attest.

Samuel Carter writes

To } Paul.

E. C. Carter.

(6)

This deed made and entered in to on this the
 1st day of February 1882 by and between
 William R. Parsons and Mary R. his wife of the
 first part and John Naper deceased heir of the second
 part all of the county of Lee and State of Virginia
 witnesses that for and in consideration of money
 seventy four dollars in hand paid the Receipt whereof
 is hereby acknowledged the parties of the first part
 have this day bargained sold and delivered to the parties
 of the second part a certain tract or parcel of land
 of Barbours. Also undivided in land in her
 father Nathaniel Alsop land lying in Lee
 County on the head of Strath creek to have and
 to hold the said undivided in land or tract
 of land with all the appurtenances thereto belonging
 forever and the parties of the first part will forever
 warrant and defend against the claim or claims
 of any and all persons whomsoever they the
 witnesses the following signature and seals this ^{day} and
 date first above written

William R. Parsons - Seal

Mary R. Parsons - Seal

Recorded in Deed
 Book 48, page 76
 Examined Feb. 3/1909
 Indexed

Lee County to wit
 we of the Notary Public and William D. Pope Judges
 for the afore said County do certify that
 William D. Pope and Chas. A. Pope his wife
 whose names is annexed to the writing having duly
 subscribed the 1st 1882 personally appeared before
 us in the aforesaid County and the aforesaid
 Chas. A. Pope being previously married to
 his late wife having the writing publicly read
 to him she the said Chas. A. Pope acknowledged
 under the same to be his act and deed and
 that she the said wife acknowledged the same as
 her act and deed and that she the said wife
 had not been divorced from the said Chas. A. Pope
 husband at the execution of the same
 Chas. A. Pope whose names is annexed
 to the above writing acknowledged
 the same before us upon under our hands
 and seals this 1 day of February 1882

James Buchanan Pope
 William D. Pope Judge

Virginia, Lee County, to-wit:

In the Clerk's office of Lee County, on this the 2nd
 day of February, 1909, this deed was presented, and together
 with the certificate annexed, admitted to record.

Teste: H. C. P. Ewing, Clerk.

Fee \$1.25 -
 Paid
 \$1.75 - Paid
 by Geo. D. Harrington

Nathaniel Alsop died in 1865. the owner of about
500 acres of land lying and being in Lee County in
the Pocket on the head of Straight Creek & on the north side
of the Low Mountain and South side of the Little Black
Mountain and was conveyed to him by Elijah Pennington

Said Alsop left a widow Lucy Alsop who is
still living, and dower has not been assigned her

Said Alsop left 5 children heirs at law. To wit
Jasper Alsop, Elizabeth Alsop, Eliza J. Alsop, Barbary
Alsop and Peggy Alsop.

The said Jasper died leaving a widow Martha Alsop
and 4 children to wit John, Nathaniel, Matthew, & R.
J. Alsop all under the age of 21

Elizabeth married Samuel Carter (See

Eliza J. married Wm. Sambutake is dead. (See

Barbary has not married - See

Peggy married Carlo. Shorth, and Shorth & his wife by
and have sold all their right and title to said land
to Elijah C. Carter who has also purchased the entire
dower interest.

Said Carter wife have also sold their interest to
said E. C. Carter.

John C. Barber
Edward Carson
Wm. Pagen

* It is noted that Barbary has sold her interest to Wm. Pagen
Carson & that she has also sold the same interest to
who is now dead. The last 5 children to wit Nathaniel
George, John C. Pennington, Sam. & Jacob, David, & John. The
last two are infants.

The Commonwealth of Virginia,

To the Sheriff of Lee County - - - Greeting:

We Command you to Summon

*Eliza J. Lambert, Martha Alsop,
* John Alsop, Nathaniel Alsop, Mathew Alsop,
R. J. Alsop, Martha Napier, George Napier, John R.
Napier, Herington Napier, Levi Napier, Nancy Napier, Isaac
Napier and Sarah Napier**

To appear at the Clerk's office of the Circuit Court of Lee, at the Court-House, on the first Monday in

February next, being rule day to answer a bill in Chancery, exhibited in our said Court against

them

by

Elijah C. Carter

And have then there this writ. Witness JOHN A. G. HYATT Clerk of our said court at the Court-House

this *19th* day of *January* 1882; in the *106* year of the Commonwealth.

J. A. G. Hyatt

CLERK.

(A & M)

Elijah C. Carter

vs ³ Spa in Chcy

Eliza J. Lambert & others

To February Rules 1882

Executed on all the
parties except Martha
Lambert. She not
being in my Bail
with ^{or} Miles D. L.
for L. S. Ely D. L.